



citing concerns about interference from T-Mobile's AWS operations to its subscribers.<sup>4</sup> T-Mobile responded to the Sirius Objection, arguing among other things that the alleged interference has no bearing on the instant transaction and that Sirius previously has raised the same allegations in objecting to a different transaction.<sup>5</sup>

3. Sirius asserts in its Objection that some of its subscribers in certain markets recently have begun experiencing harmful interference to their reception of satellite radio signals and that AWS base stations operated by T-Mobile are the cause.<sup>6</sup> Sirius incorporates into its Objection an objection it previously filed on largely similar grounds against a separate transaction involving T-Mobile.<sup>7</sup> Sirius concludes that the subject spectrum leasing arrangements would facilitate T-Mobile's AWS deployment, and urges the Commission to investigate the harmful interference and terminate the leasing arrangements.<sup>8</sup> T-Mobile contends that the Sirius Objection is almost entirely duplicative of previous filings to which it already has substantively responded at length.<sup>9</sup>

4. *Discussion.* We dismiss the Sirius Objection consistent with the Wireless Telecommunications Bureau's (Bureau) decision in the *Verizon Wireless/T-Mobile Order*. In that decision, the Bureau explained that, although the Commission possesses broad discretion to review a variety of factors in making a public interest determination with respect to transaction-related applications,<sup>10</sup> Section 27.64 of the Commission's rules<sup>11</sup> provides for a dedicated and equitable process that would better address interference complaints of the nature raised here.<sup>12</sup> Sirius's arguments are largely duplicative of those it raised in the *Verizon Wireless/T-Mobile Order*, as it acknowledges.<sup>13</sup> Accordingly, we dismiss the Sirius Objection because Sirius's allegations are better addressed elsewhere.<sup>14</sup>

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<sup>4</sup> Objection of Sirius XM Radio Inc. to Applications of AT&T Inc. and T-Mobile USA, Inc., ULS File Nos. 0006972875, etc., filed Oct. 9, 2015 (Sirius Objection).

<sup>5</sup> Response of T-Mobile License LLC to Objection of Sirius XM Radio Inc, ULS File Nos. 0006972875, etc., filed Oct. 22, 2015 (T-Mobile Response).

<sup>6</sup> Sirius Objection at 2.

<sup>7</sup> Objection of Sirius XM Radio Inc. to Applications of T-Mobile License LLC and Cellco Partnership d/b/a Verizon Wireless, ULS File Nos. 0006867447, etc., filed Aug. 11, 2015; see *Applications of Cellco Partnership d/b/a Verizon Wireless and T-Mobile License LLC for Consent To Assign Advanced Wireless Service and Personal Communications Service Licenses*, Order, 30 FCC Rcd 14080 (WTB 2015) (*Verizon Wireless/T-Mobile Order*).

<sup>8</sup> Sirius Objection at 1, 4. Sirius raises additional arguments alleging that T-Mobile has "changed its story" about the harmful interference and in doing so has conceded that the allegations are "cognizable" in the context of individual transactions. *Id.* at 3-4.

<sup>9</sup> T-Mobile Response at 1-2.

<sup>10</sup> *Verizon Wireless/T-Mobile Order*, 30 FCC Rcd at 14082, para. 5, citing *Qwest Communications International, Inc. and US WEST, Inc., Applications for Transfer of Control*, Memorandum Opinion and Order, 15 FCC Rcd 5376, 5392-93, para. 28 (2000); *Applications of Cellco Partnership d/b/a Verizon Wireless, Coral Wireless, LLC and Coral Wireless Licenses, LLC for Consent To Assign Seven Personal Communications Service Licenses Covering Hawaii*, Order, 29 FCC Rcd 13397, 13400, para. 9 (WTB MD 2014) (finding that petition to deny assignment application would be dismissed on grounds that misconduct allegations would be better addressed in an enforcement proceeding).

<sup>11</sup> 47 C.F.R. § 27.64

<sup>12</sup> *Verizon Wireless/T-Mobile Order*, 30 FCC Rcd at 14082, para. 5.

<sup>13</sup> Sirius Objection at 2.

<sup>14</sup> In this instance, because we find that the interference allegations are better addressed elsewhere, we need not address the merits of the interference allegations or other arguments raised by the parties.

5. Our decision here to dismiss the Sirius Objection does not foreclose any right of Sirius to seek relief on the interference allegations in the appropriate proceeding. Nor is our decision intended to pre-judge any outcome of a course of action under Section 27.64 of the Commission's rules,<sup>15</sup> or some similar process, should that be pursued. To the extent that the Commission ultimately concludes that a licensee must take action to address harmful interference affecting Sirius's operations, we anticipate that the involved licensees will take the necessary action in response to such a directive.

6. *Ordering Clauses.* Accordingly, having reviewed the Notifications and the record in this matter, IT IS ORDERED that, pursuant to Sections 4(i) and (j), 309, and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 309, 310(d), and Section 1.41 of the Commission's rules, 47 C.F.R. § 1.41, the Objection filed by Sirius XM Radio Inc. is hereby DISMISSED for the reasons stated herein.

7. IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309, that the staff of the Mobility Division and the Broadband Division of the Wireless Telecommunications Bureau SHALL PROCESS the following applications consistent with this Order and the Commission's rules: ULS File Nos. 0006972875, 0006973050, 0006973114, 0006973176, 0006973217, 0006973228, 0006973267, and 0006973430.

8. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331.

## FEDERAL COMMUNICATIONS COMMISSION

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<sup>15</sup> 47 C.F.R. § 27.64.